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OFFICE OF PETITIONS

In re Patent No. 7,152,456
Issued: December 25, 2006
Application No. 10/758,697
Filed: January 14, 2004
Attorney Docket No: ROMINC.044A

ON PETITION

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed January 23, 2007 under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted and has been charged to deposit account no. 11-1410. The petition is **GRANTED** and status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball
Senior Petitions Attorney
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